

U.S. Patent Application No. 10/091,377
Amendment dated April 21, 2004
Reply to Office Action dated February 5, 2004

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims further defines what the applicant regard as the invention. The applicants are simply incorporating the language of claim 4 into independent claim 1 and the language of claim 21 into independent claim 20. Thus, full support for the amendment can be found throughout the present application, including the claims as originally filed, for instance, in claims 4 and 21. An editorial change has also been made to claim 8 to provide antecedent basis in claim 13. Accordingly, no questions of new matter should arise and entry of the amendment is respectfully requested.

Claims 1-3, 5-20, 22, and 23 are pending in the application. Claims 4 and 21 have been canceled.

At page 1 of the Office Action, the Examiner indicates that claims 8-12 and 14-19 are allowed. The applicant and the undersigned appreciate the Examiner's indication that these claims are allowed. The applicant believes that in view of the following comments, the remaining claims will also be allowable.

At page 2 of the Office Action the Examiner indicates that the parentheses in claim 18 are confusing and should be deleted. Furthermore, the Examiner objects to claim 13 under 37 C.F.R. § 1.75(c) as being in an improper dependent form for failing to further limit the subject matter of the previous claim. For the following reasons, this rejection is respectfully traversed.

Claim 18 now complies with the Examiner's suggestion. Therefore, claim 18 is allowable.

With respect to claim 13, claim 8 has been amended to provide antecedent basis. Accordingly, this rejection should be withdrawn.

U.S. Patent Application No. 10/091,377
Amendment dated April 21, 2004
Reply to Office Action dated February 5, 2004

At page 2 of the Office Action, the Examiner rejects claims 1, 2, 6, 7, 20, and 23 under 35 U.S.C. § 102(b) as being anticipated by Canadian Patent No. 1179509 (CA 1179509). According to the Examiner, the minerals described in CA 1179509 are equivalent to the instantly claimed ore and the leaching process described in CA 1179509 is functionally equivalent to the instantly claimed digestion.

Claim 1 recites, in part, a method to control hydrogen sulfide or arsine emissions, or both, during the processing of ore, wherein the ore is tantalum-bearing ore. Additionally, claim 20 recites, in part, a method to control hydrogen sulfide or arsine emissions, or both during the processing of material, wherein the material is a valve metal containing ore.

The Examiner did not reject the claims that had this language, namely claims 4 and 21. CA 1179509 does not teach or suggest that its method controls hydrogen sulfide or arsine emissions or both during the processing of a tantalum-bearing ore. Furthermore, CA 1179509 does not teach or suggest a method of controlling hydrogen sulfide or arsine emissions or both during the processing of a valve metal containing ore. Thus, CA 1179509 does not teach or suggest the claimed invention. Accordingly, this rejection should be withdrawn.

At page 3 of the Office Action, the Examiner rejects claims 1, 2, 6, 7, 20, and 23 under 35 U.S.C. § 103(a) as being unpatentable over CA 1179509. The Examiner indicates that the reference differs from the claimed invention in that CA 1179509 does not teach or suggest the presence of ore and the digestion process. Furthermore, the Examiner asserts that the amounts of copper added in the process of CA 1179509 may overlap the amounts of copper recited in the claims of the present application. However, the Examiner asserts that the minerals described in CA 1179509 are equivalent to the instantly claimed ore. Furthermore, the Examiner asserts that the leaching process described in the reference is functionally equivalent to the instantly claimed digestion process. Thus,

U.S. Patent Application No. 10/091,377
Amendment dated April 21, 2004
Reply to Office Action dated February 5, 2004

the Examiner concludes that the subject matter, as a whole, would have been obvious to one having ordinary skill in the art, at the time the invention was made. For the following reasons, this rejection is respectfully traversed.

As stated above, claim 1 recites, in part, that the ore is tantalum-bearing ore and claim 20 recites, in part, that the material is a valve metal containing ore. Again, the Examiner did not reject the claims that had this language, namely claims 4 and 21. CA 1179509 simply does not teach or suggest a tantalum-bearing ore, or a valve metal containing ore. Accordingly, this rejection should be withdrawn.

The applicant and the undersigned appreciate the Examiner's indication that claims 3-5, 13, 21, and 22 would be allowable if rewritten in independent form. As indicated above, some of the language set forth in these claims has been incorporated into independent claims 1 and 20. Therefore, the remaining claims should be allowable as well.

The Examiner is respectfully requested to contact the undersigned by telephone should there be any remaining questions as to the patentability of the pending claims.

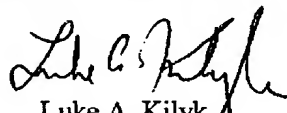
CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above; such extension is requested and should also be charged to said Deposit Account.

U.S. Patent Application No. 10/091,377
Amendment dated April 21, 2004
Reply to Office Action dated February 5, 2004

Respectfully submitted,


Luke A. Kilyk
Reg. No. 33,251

Atty. Docket No. 99162 (3600-375)
KILYK & BOWERSOX, P.L.L.C.
53 A East Lee Street
Warrenton, VA 20186
Tel.: (540) 428-1701
Fax: (540) 428-1720